

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
March 23, 2004  
**Draft Minutes**

The Board of County of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thaell, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 2:00 p.m.

Invocation was provided by Pastor Rodney West, Agape Life Fellowship, at the invitation of Commissioner Rackleff, followed by the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- Commissioner Proctor presented the attached resolution to Fred Flowers, first African-American to play a sport for FSU (baseball); and Doby Flowers, first African-American Homecoming Queen at FSU. Commissioner Proctor also recognized "Mama" Flowers.
- Commissioner Grippa presented the attached resolution recognizing Larry Block for being inducted into the NAACP Hall of Fame.
- The Board presented the attached resolution to Jane Furlong and members of the Pilot Club of Tallahassee Inc., recognizing March 15-21, 2004 as "Brain Awareness Week." The organization assists people with brain-related disorders/diseases as well as educating children to protect themselves from head injuries.
- The attached resolution was presented to Ms. Robin Jackson, Sail High School, President of "Free the Children" designating March 23, 2004 "Free the Children Day." This is an international organization of children helping children to create a freer and just world for underprivileged children. Ms. Jackson stated that the international organization gives young people the opportunity to help others.

**Consent**

Commissioner Proctor moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve the following consent agenda with the exception of Items 2, 6, 11, 17, 20, 27, 28, and 31, which were addressed as described:

1. Approval of Minutes for: February 10, 2004 Regular Meeting and February 24, 2004 Regular Meeting.

The Board approved Options 1 and 2: 1) Approve the Minutes of: February 10, 2004 Regular Meeting; 2) Approve the Minutes of February 24, 2004 Regular Meeting.

2. Approval of Bills and Vouchers Submitted for March 23, 2004 and Pre-Approval of Bills and Vouchers for March 24 – April 13, 2004: \$9,170,363.17

This item was pulled for discussion.

Eugene Danaher, 10263 Thousand Oaks Circle, appeared and spoke on the difference between travel expenses for Commissioner Maloy and Commissioner Rackleff when traveling to the same NACo conference in Washington, D.C.

Commissioner Grippa questioned whether staff was checking to determine that travel expenses are in accordance with the Board's travel policy. County Administrator Alam explained that the Finance Division of the Clerk's Office reviews all travel expenditures. County Attorney Thiele explained financial disclosure reporting and the Board's travel policy.

Commissioner Proctor moved, duly seconded by Commissioner Thael and carried 5 – 1 (Commissioner Maloy was absent and Commissioner Grippa voted in opposition), to approve Option 1: Approve the bills and vouchers submitted for March 23, 2004 and pre-approve bills and vouchers for March 24 through April 13, 2004.

3. Approval of Emergency Management Preparedness and Assistance Base Grant Modification

The Board approved Option 1: Accept the Emergency Management Preparedness and Assistance Trust Fund (EMPATF) modification to the agreement in the amount of \$30,202, and authorize the Chairman to execute.

4. Acceptance of FY2004 First Quarter Status Report for the Tourist Development Council (TDC)

The Board approved Option 1: Accept the First Quarter, FY 2004 Status Report for the Tourist Development Council.

5. Approval of FY 2003/04 Board Retreat Priority Action Plans and First Quarter Status Report

The Board approved Option 1: Accept the Actions Plans and First Quarter Status Reports developed for 2004 Board Retreat Priorities and proposed actions taken on Administrative Issues.

6. Request to Schedule Board of County Commissioners' District Community Meetings: District 2 – Tuesday, April 6, 2004; District 5 – Thursday, April 8, 2004; District 4 – Thursday, April 15, 2004; District 1 – Tuesday, April 20, 2004; and District 3 – Thursday, April 29, 2004

This item was pulled for discussion and County Administrator Alam requested that District Community meetings be postponed and noted that they could be scheduled at a future date, depending on the outcome of the CRA (Community Redevelopment Area) negotiations with the City.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0, (Commissioner Maloy was absent), to cancel District Community meetings except the District I Community Meeting, which will be held on Tuesday, April 20, 2004 at 6:30 p.m. at the North Florida Fairgrounds.

7. Request to Schedule a Metropolitan Planning Organization (MPO) Retreat on Monday, April 19, 2004 from 1:00 – 5:00 p.m.

The Board approved Option 1: Schedule the MPO Retreat on Monday, April 19, 2004, from 1:00 p.m. – 5:00 p.m. at Goodwood Plantation.

8. Request to Schedule a Joint County Commission, City Commission, School Board Meeting Regarding Public School Facility Planning on Tuesday, June 29, 2004 at 6:00 p.m.

The Board approved Options 1 and 2: 1) Schedule Adoption Hearing for the Cycle 2004-1 Comprehensive Plan Amendments for Tuesday, May 11, 2004 at 6:00 p.m., 2) Approve the agenda items for the joint meeting (leasing of facilities at Ft. Braden School, potential closure of bond Elementary School, providing downtown school through the creation of charter school, joint use of facilities including after school options, creation of an after school program).

9. Request to Schedule Joint City/County Adoption Hearing for the Cycle 2004-1 Comprehensive Plan Amendments on Tuesday, May 11, 2004 at 6:00 p.m.

The Board approved Option 1: Schedule adoption hearing for the Cycle 2004-1 Comprehensive Plan amendments for Tuesday, May 11, 2004 at 6:00 p.m.

10. Approval to Initiate an Amendment to the Official Zoning Map in Response to Rezoning Request from Ace Hardware

The Board approved Options 1 and 2: 1) Initiate a rezoning from R-1 (single-family residential) to C-2 (general commercial) for the portion of the parcel currently zoned R-1; 2) Direct staff to accept development review applications based on the C-2 zoning until final disposition of the amendment to the Official Zoning Map.

11. Request to Schedule a Public Hearing to Amend the Leon County Emergency Medical Transportation Services Ordinance for Tuesday, April 13, 2004 at 6:00 p.m.

This item was pulled for discussion. The County Administrator requested that the Board appoint two members from the County to the Emergency Medical Services Advisory Board.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Maloy was absent), to approve Option 1 as amended (shown in underline): Schedule a public hearing to adopt the ordinance to revise the Leon County Emergency Medical Transportation Services Ordinance for Tuesday, April 13, 2004 at 6:00 p.m. and appoint two members from the County to the Emergency Services Advisory Board (as recommended by the County Administrator).

12. Approval of Mutual Aid Agreements for Emergency Medical Services with Wakulla, Gadsden and Jefferson Counties

The Board approved Option 1: Approve the Emergency Medical Services (EMS) Mutual Aid Agreements with Wakulla, Gadsden and Jefferson Counties and authorize the Chairman to execute.

13. Approval to Issue a Certificate of Public Convenience and Necessity to the City of Tallahassee Fire Department (TFD) to Provide Non-Transport First Response Advanced Life Support Services in the City of Tallahassee

The Board approved Option 1: Approve the Certificate of Public Convenience and Necessity (COPCN) for the City of Tallahassee Fire Department (TFD) application to provide non-transport, pre-hospital advanced life support, first response services in the City of Tallahassee. See attachment:

14. Ratification of the Emergency Medical Services Division (EMS) Health Insurance Portability and Accountability Policy (HIPAA)

The County's HIPAA policy was implemented on December 29, 2003 to ensure County compliance with HIPAA regulations, however, Board action is now being requested to ratify this policy (No. 03-19).

The Board approved Option 1: Ratify the Leon County Emergency Medical Services Division (HIPAA) Privacy Policy and Notice of Privacy Practices, nunc pro tunc to December 29, 2003.

15. Approval to Establish the Airport Gateway Corridor Advisory Committee

The Board approved Option 1: Approve the Enabling Resolution R04-04 creating the Airport Gateway Corridor Advisory Committee:

16. Request to Schedule a Jail Population Management Workshop on Tuesday, April 13, 2004 from 2:30 – 4:00 p.m.

The Board approved Option 1: Schedule the Jail Population Management Workshop on Tuesday, April 13, 2004 from 2:30 p.m. – 4:00 p.m. (Later in the meeting, the Board rescheduled this workshop to Tuesday, April 27, 2004 at 1:00 p.m. – 2:30 p.m.)

17. Approval of Funding for Public information Initiatives

This item requests approval to realign \$70,000 from General Fund Contingency to the Public Information Office (PIO) to fund increased public information initiatives.

Commissioner Rackleff pulled this item and stated that he objects to spending \$70,000 on a propaganda campaign on the City's position on the CRA (Community Redevelopment Area). He felt the money could be better spent on Library circulation.

Commissioner Grippa inquired if he was still the designated negotiator of this item and the Board concurred that he was. He explained that he has talked to Mayor Marks, Commissioner Mustian and Commissioner Katz and they all feel that it would be appropriate to resolve the issue across the table rather than in a courtroom. Commissioner Grippa recommended putting off litigation, that County Attorney Thiele write a letter to City Attorney Jim English requesting the same, and having a three-week cooling off period, and hopefully bring a proposal back by the next Board meeting (April 13) and to approve Options 1 and 2 (but that nothing be done for the three week period); and to have a partnership that is based on equal partnership. He pointed out that in order for this to work, there has to be an investment in downtown that everybody shares in and that it not be a subsidy.

Commissioner Grippa moved and was duly seconded by Commissioner Thael to approve Options 1 and 2: 1) Approve the temporary "unfreezing" of contingency and approve the transfer of \$70,000 to fund necessary Public Information Initiatives and the associated budget amendment request; 2) Authorize the County Administrator to contract with a public relations/marketing firm for assistance with overall Public Information Initiatives and activities; but hold the law suit in abeyance for three weeks and for Commissioner Grippa to continue to negotiate and bring back to the Board an agreement.

(The \$70,000 would be contingent upon there not being a successful resolution. Mr. Alam explained that the money would come from the contingency account and that the entire \$70,000 would not be used for the CRA issue but it included a list of issues such as informing the public about community meetings.)

Commissioner Proctor voiced concerns regarding the City's proposed CRA:

- The City's educational campaign did not emphasize that it has eminent domain authority in the CRA
- The City did emphasize that the County would have to pay \$250 million over a 30-year period
- Taxes would likely increase
- Other areas are subsidizing the CRA
- Suggested that the public education campaign begin
- Property taxes out of the CRA will subsidize the rent for businesses within the area designated CRA by the City

The following citizens appeared:

Dorothy Spence, 3982 Chaires Cross Road, appeared and suggested that the Board move forward on a public education campaign because most residents do not understand the CRA and they should be informed.

Dawn Pollock, 1937 Charlais Street, remarked that this agenda item blends many dissimilar topics and it would be very difficult to know what the money is being spent on. She urged the Board to work out an objective fact sheet that is developed between the City and the County and not use a media campaign. As a citizen who wants to see tax dollars spent wisely, Ms. Pollock suggested that the Board not go to court and spend money on arguments.

Commissioner Rackleff stated that the advertisement in the newspaper is misinformation, and there is a demonstrated need for a CRA, downtown improvement, and it would take public investments. He opined that spending \$70,000 was a waste of money and if the Board wanted to spend the amount, it should combine with the City and hire an objective expert to evaluate the fiscal impact of this issue. Commissioner Rackleff agreed that the City should be equal partners with the County, a 50-50 equal contribution, and felt that they could move towards that.

Commissioner Grippa stated that he is unfamiliar how the DIA (Downtown Improvement Authority) operates and wanted answers to the following issues:

- How is the DIA composed
- Where does the DIA's taxing authority comes from
- What does the DIA do with the current taxes
- How much taxes are assessed for downtown

Commissioner Grippa advised that a number of patrons have approached him expressing opposition to the CRA because they are already paying a tax for downtown. He requested that County staff bring back in two or three weeks, an analysis, a comprehensive report, of what occurs through the DIA tax; how the money has been used over the years; what is the overall goal; how that relates to the CRA. The Board concurred that a report be brought back. Commissioner Grippa also advised that he would push for a referendum if this could not be resolved so taxpayers could vote on the issue. He remarked that in the City utility bill, there is a sheet explaining that the CRA would cost \$100,000 per year, but it does not explain that the amount is for the first year and in year 30, it would cost \$47 million.

Commissioner Grippa restated his motion: Delay the lawsuit until April 13, 2004, approve Options 1 and 2 (so as not to loss any ground) unless an agreement is reached on April 12; as the Board's designee, Commissioner Grippa would continue with negotiations, unencumbered by outside input (if another Commissioner has input, they should advise staff so different messages are not sent to the City).

Commissioner Rackleff asked the County Attorney if the CRA is authorized by Statute to provide direct subsidy to rentals to the Downtown area. County Attorney Thiele opined that it was allowed.

The motion on the floor carried 5 - 1 (Commissioner Rackleff voted in opposition and Commissioner Maloy was absent).

18. Authorization to Investigate Alternative Locations for Housing the LifeNet Operations

This agenda item requests Board authorization for staff to explore location alternatives for housing the LifeNet operation that is currently based at the City of Tallahassee airport.

The Board approved Option 1: Authorize the County Administrator to assemble a work group to explore location alternatives for housing the LifeNet operation including, but no limited to, County-owned property.

19. Approval to Establish a Septic System Advisory Committee

This is a request to approve a resolution to establish a Septic Tank Advisory Committee to function and operate as fact finding focus group in accordance with Board Policy No. 03-15, Board-appointed advisory committees: Establishment, Appointment, Function, Operation, and Dissolution.

The Board approved Option 1: Approve the enabling resolution establishing the Septic Tank System Advisory Committee and initiate member appointments in accordance with Board Policy No. 03-15.

20. Approval to Award \$100,000 to Cornerstone Group for Construction of Low Income, Multi Family Rental Housing Units Using State Housing Initiative Partnership (SHIP) Funds

This item was pulled for discussion. This agenda item seeks Board approval to award \$100,000 to Cornerstone Group for construction of affordable rental housing units to benefit very low-income and low-income households in the unincorporated area of Leon County, using State Housing Initiatives Partnership (SHIP) funds.

County Administrator Alam requested that this item be taken up after the related public hearing, Agenda Item #53 – Quail Ridge PUD (Planned Unit Development).

Commissioner Rackleff moved, duly seconded by Commissioner Grippa and carried unanimously, 4/0 (Commissioners Proctor and Thael were out of Chambers and Commissioner Maloy was absent) that Consent Agenda Item 20 be taken up after Agenda Item 53.

(After taking action on Item 53, the Board voted on Item 20 as follows: Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioner Proctor was out of Chambers and Commissioner Maloy was absent), to approve Option 1: Approve the local contribution award of \$100,000 using State Housing Initiatives Partnership (SHIP) funds to Cornerstone Group for the construction of low-income multi-family rental housing units and to authorize the Chairman to certify the local government contribution.

21. Acceptance of a Grant Award from the Florida Humanities Council in the Amount of \$1,200 for the *Prime Time Family Reading Time Program*

The Board approved Option 1: Accept the Florida Humanities Council grant award in the amount of \$1,200 for the Prime Time Family Reading Time Program (six week program), approve the attached budget amendment request and authorize the Library Director to sign the Letter of Agreement.

22. Acceptance of Conservation Easement from James L. Thompson  
Draft, BCC-March 23, 2004

The Board approved Option 1: Approve and accept for recording the conservation easement from James L. Thompson for the Selena Road Partnership II Subdivision.

23. Acceptance of Conservation Easement from Sable Chase, Inc.

The Board approved Option 1: Approve and accept for recording the Conservation Easement granted by Sable Chase, Inc.

24. Acceptance of a Conservation Easement from Craig A. and Janet T. Dennis

The Board approved Option 1: Approve and accept for recording the conservation easement from Craig A. Dennis and Janet T. Dennis for the Graig Dennis Limited Partition Subdivision.

25. Ratification of MIS Technology Update Workshop held on February 10, 2004

The Board approved Option 1: Ratify Board action taken at the February 10, 2004 Leon County MIS Technology Update Workshop to accept the status reports as presented. (The Board requested regular updates regarding information technology implementation in the County after the December 11, 2000 E-Government Workshop. The workshop highlighted the many IT and E-Gov activities underway and the Board directed that regular updates on IT activities would be valuable to the Board members.)

26. Authorization to Issue a Request for Proposal (RFP) for Architectural and Engineering Services for the Lake Jackson Branch Library and Lake Jackson Community Center and Approval to Apply for a State Library Construction Grant

The Board approved Options 1 and 2: 1) Approve the advertisement of an RFP for architectural services for the design of a new Lake Jackson Branch Library and Community Center; 2) Approve and agree to comply with all of the grant requirements as detailed in Grant Submission Requirements and Additional Requirements after the Grant Award and authorize the Chairman to Certification of Application.

27. Approval of Revisions to the Leon County Board of County Commissioners Personnel Policies and Procedures Manual

This item is a request to approve the revision to the Leon County Board of County Commissioner's Personnel Policies and Procedures Manual (PP&P) in matters related to tuition assistance, staff training and development, educational attainment compensation (effective for pre-approvals after 3/23/04) and Commercial Drivers License (CDL) testing reimbursement (effective immediately).

Commissioner Rackleff pulled this item for discussion, presented his concerns, and made suggestions regarding the cap.

Commissioner Rackleff moved and was seconded by Commissioner Thael to approve Option 1 with the amendment, with deletion of the \$1,600 annual cap on reimbursement and with the addition of a 50% of reimbursement for Pass grade in an undergraduate degree-seeking program. If the Pass/Fail class were a required internship, then it would be reimbursed at 100%.



Following further discussion, Commissioner Grippa moved a substitute motion, seconded by Commissioner Thaell, to continue this item and request that when the agenda item is brought back, that it include a County employment retention policy of a one to five year commitment by the employee. The substitute motion carried unanimously, 6/0 (Commissioner Maloy was absent).

28. Approval to Issue a Request for Proposal (RFP) for Administration of the County's Cafeteria Plan

This item was pulled for discussion. County Administrator Alam explained that the AFLAC plan has, to date, been the only provider of the Cafeteria Plan.

Dawn Landingham, AFLAC representative, responded to the Board's inquiries.

Commissioner Proctor requested that staff bring back an item looking at a group car insurance for employees; however, there was no Board support for this issue.

Commissioner Winchester moved and was duly seconded by Commissioner Sauls (Vice-Chairman Thaell assumed the Chair), to approve Option 2: Do not authorize staff to issue a Request for Proposals (RFP) for administration of the County's Cafeteria Plan.

Following additional discussion, Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor, to approve Option 1: authorize staff to issue a Request for Proposals (RFP) for Administration of the County's Cafeteria Plan and that a strong M/WBE requirement be included in the RFP.

Commissioner Rackleff offered a friendly amendment, accepted by the maker of the motion, Commissioner Proctor, to include language stating that companies responding to the RFP must use U. S. – based employees.

The substitute motion carried 4 – 2 (Commissioners Winchester and Sauls voted in opposition and Commissioner Maloy was absent).

29. Ratify the Final Version of the Joint Project Agreement (JPA) with Talquin Electric Cooperative for Construction of the Sanitary Sewer Collection System and for the Payment of Connection Fees for the Beech Ridge Trail 2/3 Project

The Board approved Option 1: Ratify the final draft of the joint project agreement with Talquin Electric Cooperative for construction of a sanitary sewer collection system and for the payment of connection fees for the Beech Ridge Trail 2/3 Project area consistent with the agreement approved by the Board on February 24, 2004.

30. Acceptance of Status Report on 2/3 Project for Whispering Pines East Subdivision

Whispering Pines East is a private subdivision located in Section 33, Township I North, Range 2 West. Its single access into the subdivision is Highway 20. The roads involved are Pond Pine Street, Belk Drive, Pinacea Lane, Post Oak Drive, Chinkapin Lane, Mastic Lane, Inkwood Lane, Bay Cedar Drive and totals approximately 9,365 feet in length.

The Board approved Option 1: Accept the status report on Whispering Pines East 2/3 paving request project. (A partial petition was received which represents 59.5 % of petitioners and 58.8 % of parcels in favor of the road improvements. The Code requires that two-thirds of the owners (67%)

and two-thirds of the properties (67%) must sign the petition requesting special improvements. Upon receipt of a valid petition, staff will present the petition to the Board for consideration.

31. Acceptance of Status Report on a Homeowner's Request for a Right-Turn Lane on North Monroe Street at Cynthia Drive

On January 27, 2004, the Board requested that staff provide a status report regarding a homeowner's request for a right turn lane from North Monroe Street at Cynthia Drive.

This item was pulled for discussion. Commissioner Winchester, speaking on behalf of the residents of the area, pointed out that there have been many traffic accidents at the intersection of Cynthia Drive and U. S. 27 and DOT has not responded to the residents' concerns.

Charles Couch, 1909 Sageway Drive, appeared representing residents of Greenwood Hills Neighborhood, indicated that a deceleration lane was needed and that this is a safety and equity issue.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0, (Commissioner Maloy was absent and Commissioners Thael was out of Chambers), to approve Option 1 (with the amendment): Accept status report on a homeowner's request for a right turn lane on North Monroe Street at Cynthia Drive, and direct staff to work with DOT.

32. Authorization for Tri-Party Agreement with Florida Department of Transportation (FDOT) and Blueprint 2000 for the Capital Circle Northwest Regional Stormwater Facility

The Board approved Option 1: Authorize the Tri-Party agreement with the FDOT and Blueprint 2000 and authorize the Chairman to execute agreement to accept ownership and maintenance responsibility of the Capital Circle N.W. southern stormwater management facility.

33. Approval of Amendment of Joint Project Agreement (JPA) with the Florida Department of Transportation for the Intersection of Springhill Road and Capital Circle

The Board approved Option 1: Approve the amendment to the Joint Project Agreement with the Florida Department of Transportation for the Intersection of Springhill Road and Capital Circle and authorize the Chairman to execute.

34. Request to Schedule a Public Hearing for the Pre-Application for Authorization to Operate a Water Sewer System Serving the Properties Within the Vicinity of St. Joe, Tram, and W. W. Kelley Roads, South of Williams Road on Tuesday, April 27, 2004 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing on the pre-application for April 127, 2004 at 6:00 p.m. for the pre-application for authorization of a water service area for properties within the vicinity of St. Joe, Tram and W. W. Kelley Roads South of Williams Road.

35. Approval to Award Bid to RingPower Corporation in the Amount of \$22,689 for the Purchase of an 100Kilowatt Emergency Generator

The Board approved Option 1: Award the bid to Ring Power Corporation for the purchase of an 100 kW emergency generator in the amount of \$22,689.

36. Approval to Fund the Electronics Recycling Program for the Remainder of FY 2003/2004

The Board approved Option 1: Approve the attached budget amendment of \$25,000 to continue the electronics recycling program through the end of FY 2004-2004.

37. Approval to Award Bid to Pro-Steel Builders in the Amount of \$499,581 for the Solid Waste New Office Building and Renovations to Existing Building

The Board approved Options 1 and 2: 1) Approve the construction bid award in the amount of \$499,581 to Pro-Steel Builders for the New Solid Waste Office and renovations to existing structure and authorize the Chairman to execute the agreement; 2) Authorize the attached budget amendment to fund the project:

38. Authorization for the Development of a Private Road Emergency Repair Program

The Board approved Option 1: Authorize staff to develop a Private Road Emergency Repair Program and bring back alternative funding recommendations during the fiscal year 2004-2005 budget cycle.

39. Approval to Award Bid in the Amount of \$66,985 to Hartsfield Electric Company for Woodville Community Park Sports Lighting Installation

The Board approved Option 1: Approve the award of bid in the amount of \$66,985 for sports lighting installation to Hartsfield Electric Company and authorize the Chairman to execute the contract.

40. Authorization to Submit a Land and Water Conservation Fund (LWCF) Grant Application for Jackson View Park

The Board approved Option 1: Authorize staff to submit a LWCF grant application for Jackson View Park and approve the attached Resolution R04-03:

41. Request to Schedule a Workshop Regarding Animal Control Issues on Tuesday, April 27, 2004 at 2:30 – 4:00 p.m.

The Board approved Option 1: Schedule a workshop for April 27, 2004, from 2:30 p.m. – 4:00 p.m. Regarding Animal Control Issues.

**Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)**

Commissioner Proctor requested the Board's approval of a resolution for the FAMU basketball team recognizing the team's success at the NCAA Basketball Tournament. The Board approved the resolution.

**General Business**

42. Status Report on the City of Tallahassee Metering Station in the Chaires Community

This item involves the status report of a City of Tallahassee facility known as the gate station which was placed in a residential area in the Chaires Community to allow for a connection to the Emerald Acres neighborhood and other issues. This gate station is also known as a metering station. Robert Fulford, on behalf of the Chaires Community, has repeatedly expressed concern with regard to the safety of the gate station at this particular location. The agenda item shows the sequence of events and notification to the City.

Commissioner Rackleff moved and was duly seconded by Commissioner Grippa to approve Options 1 and 2 with the addition to file a complaint with DEP regarding safety concerns: 1) Direct staff to continue to pursue drafting a land use ordinance requiring extraordinary setbacks from all existing or proposed natural gas transmission lines; 2) Direct a County Commissioner to continue discussions with the City Commission over relocation of Chaires "gate station." The motion carried unanimously, 4/0 (Commissioner Maloy was absent and Commissioners Thael and Proctor were out of Chambers).

43. Request to Schedule a Public Hearing to Repeal Ordinance 03-09, Re-vesting of Conceptually Approved Planned Unit Developments

This agenda item is whether or not to schedule a public hearing on a proposed ordinance to repeal Ordinance No. 03-09, Re-vesting of Conceptually Approved Planned Unit Developments (PUDs).

On April 15, 2003, the Board adopted Ordinance 03-09 providing for criteria for re-granting vested rights to conceptually approved PUDs, which had lost their vested rights. This ordinance also extended the deadline to apply for re-vesting of development rights from November 1, 1998, to November 3, 2003. Under the revised ordinance, owners of a previously-approved conceptual PUD could apply through November 3, 2003 to re-establish vested rights if they met certain criteria.

The agenda item explains that in October 2003, GEM received the only application under Ordinance 03-094 for re-granting of vested rights on the Hastings property, a portion of the previously-approved Gwynndale PUD. Developments within the Gwynndale PUD include the Sam's Wholesale Club and the Boot and Western Wear shop. Development previously approved for the Hastings tract included 200 residential units on 14.2 acres. The application for re-vesting went to the Board on November 25, 2003, and again on December 9, 2003, and was continued again to January 27, 2004, to give the applicant time to respond to questions by staff. The public hearing was then continued to May 11, 2004. Various concerns had been raised by staff and the public. It was noted that the ordinance does not address the project that the applicant actually intends to develop on the site – a Wal-Mart SuperCenter on the site of the existing Sam's Wholesale Club. On February 24, 2004, the Board voted for staff to bring back for consideration an agenda item to repeal Ordinance 03-09. While the applicant's counsel has been exploring with staff other methods to accomplish the desired development on the Sam's site without going through the re-vesting process, the applicant has not indicated a willingness to withdraw the application. Legal staff cautioned the Board that the applicant may raise an estoppel claim against the County if the ordinance is repealed while the applicant is pending.

Commissioner Rackleff moved, duly seconded by Commissioner Grippa to approve Option 1: Schedule a public hearing on April 27, 2004 at 6:00 p.m. to consider repeal of Ordinance No. 03-09.

George E. Lewis, II, 203 N. Gadsden Street, #6, appeared and encouraged the Board to move forward with an Ordinance and suggested the Board set a definite date, well in advance, requiring the applicant to submit its agenda request package for the May 11, 2004 meeting. He recommended

30 days from March 24 and if the applicant has not submitted the agenda request package, the application should be considered withdrawn.

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Winchester to approve Option 1 with the addition if the application is not submitted in a timely manner, consider it abandoned. The motion carried unanimously, 4/0 (Commissioners Thaell and Proctor were out of Chambers and Commissioner Maloy was absent.)

#### 44. Proposed Settlement Agreement with the City of Tallahassee Regarding the Annexation Process

This issue is consideration of accepting the proposed comprehensive plan amendment as the basis for settlement of *the Leon County v. City of Tallahassee* Southern Triangle Annexation Case No. 03-2195.

County Attorney Thiele summarized the issue and explained that the settlement agreement would settle two procedural matters on annexation items, and recommended approval of Options 1 and 2.

Eugene Danaher, 10263 Thousand Oaks Circle, appeared and remarked that he attends City Commission meetings and annexation items are constantly on the agenda. He suggested that the County institute impact fees since development is costing taxpayers and the County is losing money when property is annexed. Mr. Danaher requested that the County Attorney bring back an agenda item describing the reason the County cannot institute impact fees.

Commissioner Thaell advised that the Tallahassee-Leon County Comprehensive Plan encourages annexation. Commissioner Winchester indicated support for bringing back impact fees but not include impact fees for small businesses. Commissioner Rackleff indicated that annexation provides services that the County does not have.

Commissioner Rackleff moved and was duly seconded by Commissioner Winchester to approve Options 1 and 2: 1) Submit the proposed annexation Comprehensive Plan Amendment for consideration and adoption during the Cycle 2004-02 Amendment Cycle; 2) Authorize and direct the County Attorney's Office to enter a Voluntary Dismissal in Case No. 03-2195 (*Leon County v. City of Tallahassee*) upon adoption of the Comprehensive Plan Amendment by both the City and the County, with each party to bare their own costs and fees. The motion carried unanimously, 4/0 (Commissioners Proctor and Thaell were out of Chambers and Commissioner Maloy was not present).

#### 45. Presentation and Acceptance of the Mahan Drive Corridor Study Report and Recommendations

This is a request to accept the Mahan Drive Corridor Study and approval of recommendations. The consultants for the study and staff made a presentation of the results of the Corridor Study.

Planning Director Wayne Tedder explained that the report gives staff an opportunity to adopt land use plan amendments in accordance with recommendations.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to approve Option 1: and adopt recommendations, without recognition of transmission lines.

Len Buffington, a representative from the Genesis Group, the consultant on Mahan Drive Corridor Study gave a brief presentation and summarized the report using the overhead projector.

Sam McArthur, 1620 Highland Road, appeared and explained that his property is zoned Residential Preservation and that across the street it is zoned Residential Corridor. He wanted to know the reasoning for the different categories. Mr. McArthur voiced objection to overhead transmission lines and suggested that they be placed underground. He also requested the realignment of Highland and Edenfield roads, noting that Highland is a narrow canopy road and should be designated a canopy and be blocked off from I-10.

Gerald Phillips appeared and explained that he lives on the northwest corner of Mahan and Edenfield roads and supports the underground lines. He stated that Dempsey Mayo Road at I-10, with few exceptions, is residential and referenced the Comprehensive Plan Policy regarding preservation of neighborhoods. Mr. Phillips stated that it is the County's responsibility to reduce the number of vehicular trips and that commercial development at Edenfield and Highlands was disingenuous. He recommended that when permits come in for Comp Plan amendments for commercial, the County should deny them.

Commissioner Rackleff indicated support for Highland Road as a canopy road and suggested taking the issue to the Canopy Roads Committee.

The motion on the floor carried unanimously, 4/0 (Commissioners Proctor and Thael were out of Chambers and Commissioner Maloy was absent).

46. Appointment of County Commissioner to the Southern Strategy Area – Economic Development Plan (SSA-EDP) Advisory Committee

This item seeks the appointment of a Leon County Commissioner to the Advisory Committee of the Southern Strategy Area Economic Development Plan (SSA-EDP). AngelouEconomics Advisors, Inc., (Angelou) will prepare and present the SSA-EDP, which will define the role of the Southern Strategy Area in Tallahassee/Leon County's economic growth; provide specific goals and objectives for improving economic development activities in the Southern Strategy Area; and improve the region's future development opportunities. The plan is scheduled to be completed in the fall of 2004.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to appoint Commissioner Proctor to serve as the County Commission's representative on the Advisory Committee of the Southern Strategy Area Economic Development Plan (Option 1).

Wayne Tedder, Planning Department Director, explained that the consultant would be coming back with results and the County and the City would have to implement them to make it work. He pointed out that the committee would have the ability to make comments applicable to the Southern Strategy area which are considerations that need to be included in the plan; actions that should be considered would be brought back when the final plan is considered for adoption. Mr. Tedder remarked that the appointee would be the County's liaison for the plan.

Commissioner Rackleff indicated the importance of being committed to the committee and attending all the meetings. Commissioner Proctor agreed to serve as the Board's representative.

The motion on the floor carried unanimously, 6/0 (Commissioner Maloy was absent).

47. Status Report of the Silviculture Permit Process Administration  
Draft, BCC-March 23, 2004

This agenda item is a status report concerning the administration of the Silviculture Permits by the Growth and Environmental Management (GEM) Department. (The Silviculture Permit allows a property owner to use "accepted forest management principles whereby the crops constituting forests are tended, harvested, and reforested.")

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1: Accept the status report of the Silviculture Permit process and administration.

Commissioner Winchester explained that he was concerned about the silviculture process and that he had received calls from citizens about the process. He remarked that the Property Appraiser has the authority to implement the agriculture exemption process and from time to time the Board looks at these issues. In relationship to this, Commissioner Winchester explained that the Property Appraiser asked that a workshop be conducted. Commissioner Winchester raised various issues:

- With silviculture permits, there is the Right to Farm Act which basically says that no local government can create a regulatory function above agricultural exemption that increases the regulation on a piece of agricultural exempted piece of property - so it begs the question of whether or not there should be a silviculture process for those properties.

Commissioner Winchester suggested that the various issues be addressed at a workshop.

Commissioner Winchester moved a substitute motion which was duly seconded by Commissioner Grippa to conduct a workshop and invite the Property Appraiser to discuss basically two issues: agriculture exemption and how properties are assessed. Commissioner Winchester referred to the example of the Rick Kearney property and stated that he would like better policy direction on how the County Commission as a whole feels about silviculture, agricultural, and the exemption process. He stated that there are a lot of people in the County who may or may not be receiving the benefit they need and also property that should be on the tax roll that is not.

Commissioner Grippa commended the Property Appraiser and his staff and stated that the problem appears to be with the mid year permits. Apparently County staff is put in a position of acting as a property appraiser and opining on matters where they should not. Staff is put in a position of determining whether a purchase price is adequate or inadequate as it relates to silviculture and whether or not the trees can be harvested for a profit, and other issues. Commissioner Grippa pointed out that a Property Appraiser normally makes these types of decisions. Another issue he raised was how much regulation should the County have on silviculture; the Right to Farm Act takes precedence over a lot of issues that the County is enforcing. In a recent case, the County is working out an issue through a vegetation management plan where the owner wants to harvest his trees). Commissioner Grippa raised another issue that should be discussed at the workshop: What is the County's role as a government and how should the County intervene in the land use portion of it. He wanted staff to ensure that property is not agricultural assessed and then six months later, the property owner switches to commercial use (and he used the example of Welaunee Plantation). During the workshop, discussion should involve the Property Appraiser's role and the County's role, environmentally.

The Property Appraiser and the foresters should be invited to the workshop.

The motion on the floor carried unanimously, 6/0 (Commissioner Maloy was absent).

This item requests Board acceptance of the report on the status of the Capitola-Chaires Recreation Council and a new appointment to the Council. The eligibility criteria and list of members are included in the agenda.

Greg Prescott, 3988 Camino Real, appeared and summarized problems at the Council, which involved lack of attendance, participation, and leadership. He explained that Art Beveridge, Chairman, recommended that a certain member be removed and a new appointee be made. He remarked that only one meeting has been held in the last three months and that business is not being taken care of. Mr. Prescott stated that he would be willing to serve and that Chris Evelo has also volunteered and both are active participants in youth recreation.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Maloy was absent), to approve Options 1 and 2: 1) Accept the status report on the Chaires-Capitola Recreation Council; 2) Make a new appointment to the Chaires-Capitola Recreation Council. Commissioner Proctor appointed Annie Norton to fill the vacancy of Wilbur Hobbs who will no longer be serving. Commissioner Grippa remarked that his appointment is involved in many community activities and if she wishes to step down, he would consider the appointment of Greg Prescott.

49. Expirations, Vacancies and Appointments to: Contractors Licensing and Examination Board, Fort Braden Recreation Council, GEM Citizen Users Group, Parks and Recreation Advisory Team, Science Advisory Committee, and Tourist Development Council
1. Contractors Licensing and Examination Board: Commissioners Sauls reappointed Steven Hodges; Commissioner Thael reappointed Catherine Beck.
  2. Fort Braden Recreation Council: Commissioner Rackleff appointed Kathleen Harvey.
  3. GEM Citizens' User Group: Commissioners Grippa appointed Pete Tyson; Commissioner Maloy's appointment was continued: Commissioners Proctor and Rackleff continued their appointments. Commissioner Winchester stated that he has list of process questions that he would like the group to look at objectively. The list would be provided to David McDevitt, GEM.
  4. Parks and Recreation Advisory Team: Commissioner Maloy's appointment was continued.
  5. Science Advisory Committee: Commissioners Grippa reappointed Dr. Myron Hayden. Commissioners Proctor and Rackleff continued their appointments. Commissioner Winchester reappointed William Landing.
  6. Tourist Development Council: Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 6/0 (Commissioner Maloy was absent), to appoint Russell Daws.

*The Board then entered discussion regarding Item 56.*

#### **Scheduled Public Hearings, 6 p.m.**

- 50 Public Hearing to Adopt the Proposed Ordinance Providing for Salaries for Members of the Board of County Commissioners

Pursuant to legal advertisement, a public hearing was conducted.



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Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 4/0 (Commissioners Proctor and Grippa were out of Chambers and Commissioner Maloy was absent), to approve Option 1: Conduct the hearing and adopt the attached Leon County Ordinance Number 04-04: (An ordinance of the Board of County Commissioners of Leon County, Florida, amending Ordinance Number 03-23, providing for salaries for the Board of County Commissioners)

51. Public Hearing to Adopt an Ordinance Amending Section 2-93 (a) of the Leon County Code of Laws which Provides for the Chairmanship of the Enterprise Development Zone Agency Board to Run Concurrent to the Leon County Board of County Commissioners Chairmanship

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 4/0 (Commissioners Proctor and Grippa were out of Chambers and Commissioner Maloy was absent), to approve Option 1: Conduct the first and only public hearing and adopt the attached Leon County Ordinance Number 04-05:

52. First and Only Public Hearing on a Proposed Amendment to the Leon County Administrative Code Providing for Non-interference in Matters Related to County Real Estate Transactions

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 4/0 (Commissioners Proctor and Grippa were out of Chambers and Commissioner Maloy was absent), to approve Option 1: Conduct the first and only public hearing and adopt the attached Leon County Ordinance Number 04-06 amending the Administrative Code to address Board non-interference in matters related to real estate transactions involving the County as a party:

53. First and Only Public Hearing on the Quail Ridge Planned Unit Development (PUD) Concept Plan/Rezoning Application

Pursuant to legal advertisement, a public hearing was conducted amending the Official Zoning Map, proposing the rezoning of an approximately 13.5 acres parcel presently located within the M-1 Light Industrial zoning district to the Planned Unit Development (PUD) zoning district. The property is owned by Kornegay, et al and the applicant/optionee is Cornerstone Group; the agent is Poole Engineering & Surveying, Inc.

Rick Bateman, attorney representing Capital Hydraulics, appeared and circulated the attached letter. He summarized the decisions of the DRC and the Planning Commission and stated that an agreement had been reached with representatives of the Quail Ridge Development, which include:

- The Code requires a 30-foot buffer between properties; install black chain link fence to protect light industry property; County would waive buffer requirements for Capital Hydraulics during the life of the PUD if they redevelop the site; a letter would be placed in the PUD file for future knowledge.

Barry Poole, representing the developer, appeared and stated that the developer agreed to the buffer, installment of the six-foot fence, and is committed to working with Capital Hydraulics.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioner Proctor was out of Chambers and Commissioner Maloy was absent), to approve Option 1 with the attached letter regarding the above mentioned conditions: Conduct the public hearing and adopt the attached Leon County Ordinance Number 04-08, amending the Official Zoning Map from the M-1 Light Industrial Zoning District to the Planned Unit Development (PUD) zoning district and approving the concept plan as proposed, subject to the conditions recommended

by the Tallahassee-Leon County Planning Commission, based upon the findings of fact and conclusions set forth herein:

*The Board then took action on Item 20 since it is related to this item.*

After taking action on Item 53, the Board voted on Item 20 as follows: Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 5/0 (Commissioner Proctor was out of Chambers and Commissioner Maloy was absent), to approve Option 1: Approve the local contribution award of \$100,000 using State Housing Initiatives Partnership (SHIP) funds to Cornerstone Group for the construction of low-income multi-family rental housing units and to authorize the Chairman to certify the local government contribution

54. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from R-1 Single-Family Detached Residential District to R-4 Single-Two-Family, and Multi-Family Residential District

Pursuant to legal advertisement, a public hearing was conducted on a proposed ordinance amending the Official Zoning Map.

Tom O'Steen, 805 N. Gadsden Street, representative of the applicant, explained that there was no site plan available until the rezoning was successful.

Charles Fish, 3200 Lord Murphy Trail, appeared and explained the history of the family property, which it has been in his family (Geddie) for 150 years.

Becky Subrahmanyam, 1257 Cornerstone Lane, circulated an annual report and urged the Board to not allow an increase in density, at least not until Geddie Road can be expanded. She used the overhead projector to demonstrate that the roads are over-capacity and with increased density, the problem will be exacerbated.

Chairman Sauls indicated concern with the road capacity and traffic concerns.

Wayne Tedder, Planning Department Director, explained that the developer would have to meet all of the requirements; if there were no road capacity, there would have to be mitigation. Mr. Tedder pointed out that rezoning does not guarantee that development will occur. Some discussion ensued about concurrency initiatives by Tallahassee Board of Realtors and the Chamber of Commerce.

David McDevitt, GEM, explained that there are environmental constraints on the site and the developer would have to address concurrency. The project, if approved and meets regulations, would be phased in over time.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Maloy was absent), to approve Option 1: Conduct the public hearing and adopt the attached Leon County Ordinance Number 04-07 amending the Official Zoning Map to change the zone classification from R-1 Single Family Detached Residential District to R-4 Single-, Two-Family, and Multi-Family Residential District (RZ #404), based upon the findings and conclusions set forth herein.

55. Public Hearing for the Proposed Abandonment of the West 200 Feet of Whitaker Road

Pursuant to the attached legal advertisement, a public hearing was conducted to consider abandonment of a sixty-foot wide undeveloped right-of-way which is the west 200 feet of Whittaker Road and adopt an abandonment resolution. (Mr. Carlos Martinez initiated the application.)

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Option 1: Conduct the public hearing on the Whittaker Road abandonment request and adopt the Abandonment Resolution.

Commissioner Rackleff indicated that possibly the road could be useful to the County in the future as it relates to the west and Capital Circle. Commissioner Rackleff moved a substitute motion, seconded by Commissioner Thael, to Approve Option 2: Conduct the public hearing on the Whittaker Road abandonment request and do not adopt the Abandonment Resolution.

Carlos Martinez, Westbury Road, explained that Whitaker road was a dumping area, camping occurred and basically was a lawless road. He pointed out that he was not in a hurry to have it abandoned, but would like to have it done in the near future.

The Board indicated that certain questions remained unanswered and suggested the item be continued.

Commissioner Rackleff withdrew his substitute motion and moved, duly seconded by Commissioner Thael to continue the public hearing until April 13, 2004 at 6:00 p.m. The motion carried unanimously, 6/0 (Commissioner Maloy was absent).

*The Board then resumed discussion of General Business, Item 46.*

56. (Add-On Item - Acceptance of a Conservation Easement from Barbara and Dennis Williams)

This item requests approval and acceptance of a conservation easement consistent with requirements and conditions of the Environmental Management Act. This is a request for the Board to accept and record the easement. The grantors are Barbara and Dennis Williams (for the Williams Limited Partition Subdivision project).

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0 (Commissioner Maloy was absent and Commissioner Thael was out of Chambers), to approve Option 1: Approve and accept for recording the conservation easement from Barbara and Dennis Williams for the Williams Limited Partition Subdivision project.

**Citizens to Be Heard – 6-minute limit**

- a. Eugene Danaher, 10263 Thousand Oaks Circle, appeared and discussed the following issues and concerns:
  - Deterioration of attendance and cordiality among government bodies
  - Noted that during today's meeting only four Commissioners were sitting at the dais and listening
  - Remarked that it was egregious that Commissioner Maloy did not tell the Chairman that he would not be attending the meeting tonight
  - Indicated that the absent Commissioner would not be aware of the issues and unable to make informed decisions
  - Referred to the *Tallahassee Democrat* article about Commissioner Thael requesting an audit of the Civic Center Authority's hotel plans. Mr. Danaher questioned the process and method of the request

and suggested that if the Commission approves an audit, that it be conducted by independent auditors. Mr. Danaher recommended that Commissioner Thaell be a working member of the hotel subcommittee and work with City Mayor Marks and Mr. Montjoy in an attempt to clarify issues.

Commissioner Thaell responded and stated that he supports a Civic Center convention-type hotel and he wants to work with the developer. He pointed out that the issues he raised in his email were about the awkward process, which has developed and needed to be evaluated. He made further comments regarding the issue as described below:

- Advised that the County is interested because the hotel involves a partially tax-free financed parking garage and the County has an agreement with the Civic Center
- As the County's liaison, Commissioner Thaell opined that he is well within his rights to raise concerns and will be asking the County Attorney if the direction that they are going is the appropriate financing structure for making the parking deal work
- Suggested that the Board ask the County Attorney to sign the necessary appropriate and confidential agreements that would be needed, indicating that it was not fair to ask the developer to lay out all of his financial information; it is a private hotel which should be respected; it is being constructed on public property, on top of a publicly financed garage
- Commissioner Thaell wanted the County Attorney to look at those finances that have already been turned in to BB&T (bank) for the parking garage and assure the Board that everything is in order and that there is due diligence
- Commissioner Thaell advised Mr. Danaher that at the CCA meeting on March 17, he raised these concerns which will be in the record
- There is also a proposal to add a 20,000 square foot ballroom to the hotel. Commissioner Thaell stated that there has been no financial analysis to show if the Civic Center can absorb the cost of building and operating the ballroom. He indicated that a market feasibility study should be done for the ballroom
- A well thought out business plan is needed; the hotel already has an 8,000 square-foot ballroom built into it to accommodate large events
- The County must ensure citizens that the County is proceeding according the plans
- Commissioner Thaell suggested that the County's financial advisor, Bill Reagan, to be involved and have privy to the documents
- Other management issues would be brought up at the CCA meeting and the Board should be involved

Commissioner Proctor opined that there was a commitment to the MBE process in the 1990s when the hotel issue was raised. Commissioner Thaell responded that the developer has not gotten to that point because the financing is not there yet, but it is a legitimate issue and he felt that the developer would comply.

Commissioner Grippa pointed out that there is a restaurant at the Civic Center and that when Mayor Scott Maddox was on the CCA, he asked for a revenue statement but could not get one since it was mixed in with the other caterers. Commissioner Grippa advised that tax payers should be protected and indicated that if the plan goes awry, it would appear that the bank is responsible but the actual letter of credit would be the full faith and credit of the City of Tallahassee and Leon County, who make up the deficit jointly for the CCA. Commissioner Grippa suggested that the County Attorney review the financials, the bonds, the credit, and determine where the corporation is located. He suggested that Bob Inzer, Clerk of the Court and auditor, move through the process if it is agreeable to the developer. If it is not agreeable to the developer, there should be an explanation.

Commissioner Grippa also explained that the County hired special counsel who is now going to resign and he was troubled because it appears that everyone who entered into the contract was not knowledgeable about all the issues. It appears that the general counsel for the CCA missed the fact that the Civic Center was supposed to build and finance a garage - there was an obligation that was forgot about and there was no contract or paper trail for the \$7 - \$10 million deal.

The Board briefly discussed a letter sent to Commissioner Grippa by FSU President C. K. Wetherall regarding reorganizing the CCA, with FSU having the majority of members on the CCA, and introducing a bill to accomplish that.

Commissioner Thael moved and was duly seconded by Commissioner Grippa that the County Attorney and Clerk Inzer, or the appropriate person, review the financing structure to determine if the financing is appropriate and real; that the County Attorney be able to actually see the financials that have apparently been turned into BB&P for the parking garage; determine if they are in order; ensure that there is substance to do a tax free \$8 million bond or loan; and determine if the deal is structured appropriately. Commissioner Thael stated that he would be addressing other matters at the hotel committee meeting tomorrow and at future CCA meetings.

Gary Yordon, 1306 Toochee Nene, requested that whoever the County Attorney or Board designates to review the financing structure, that they be comfortable with confidentiality issues. Commissioner Thael clarified that the motion was "whoever the County Attorney designates." Mr. Yordon also assured the Board that there would be appropriate MBE participation.

The motion on the floor carried unanimously, 4/0 (Commissioners Grippa and Proctor were out of Chambers and Commissioner Maloy was absent).

- Sherrie VanDyke, 16624 Sunray Road, appeared and voiced concern that County staff was proposing to pave Sunray Road with OGCM, and she preferred that the road remain unpaved. She remarked about the wildlife in the areas and the beauty of the canopy road. One objection she mentioned was the process involved in the decision to have the road paved and felt that it was unfair. She stated that some of the people surveyed did not own frontage on Sunray Road but they do traverse it to get to their property and that residents owning frontage should be able to provide input. Other issues of concern mentioned by Ms. VanDyke involve protection of a patriarch tree, speeding traffic, litter and other issues.

Tony Park, Director of Public Works, explained that a presentation was made to the community and a commitment was made to the residents that the tree would be protected and there would be traffic calming in the area. He pointed out that the coal mix (OGCM) that would be used is not for a super highway and the character of the road will be maintained as much as possible; the road is being put in the footprint of the existing right of way situation, which is traffic calming in itself. Commissioner Grippa indicated that if the Board elected, they could have speed bumps installed and that something other than a guardrail could be installed near the turn. Mr. Park advised that Sunray Road was the next road to be constructed under the Board-approved prioritized list.

Commissioner Thael indicated that notices should not have been taped to mail boxes but should have been mailed. He also explained that some citizens felt that part of the road should be paved and a portion should be left unpaved. Commissioner Rackeff pointed out that numerous people who live along the road do not favor paving of the road and that surfacing is going to increase speeds on the rural road and degrade the rural quality of life.

Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 6/0 (Commissioner Maloy was absent), to protect the patriarch tree, install traffic calming, and placement of a fence that protects the rural character of the area.

- Julyn Hussey, 9133 Warbler Street, appeared regarding the County's buy-out of southside flooded property. She requested that the County reconsider the offer they made to her to purchase her property. She stated that her home is 1,300 square feet on 2 ½ acres with a 600-square foot wired workshop. She felt that there were discrepancies because some properties with smaller acreage and less features were offered more for their property and she listed various comparisons. Chairman Sauls stated that she feels that Ms. Hussey has some legitimate concerns and has attempted to help her to no avail; she suggested that the appraisers and staff should look at the appraisal again.

County Attorney Thiele opined that he feared the Board would embroil themselves into \$11 million worth of appraisals and end up becoming equivalent to a property appraisal review board on every appraisal involving this program. He suggested that staff prepare a memorandum to the Board that responds to the inquiries – make sure that it includes all the documents and that the appraisal was done properly by a MIA certified appraiser and that if there were issues raised by a property owner, then the MIA appraiser should address them. County Administrator Alam concurred with the County Attorney but stated that he would take another look at this situation as requested by the Chairman.

Commissioner Grippa indicated that he concurred with the County Attorney and stated that if the criteria that is being utilized is not adequate for the market place, then that should be dealt with, but the Board should not get involved in individual circumstances. Commissioner Rackleff concurred and remarked that as long as the appraisals were done in an equitable manner and reason principles of appraisals were applied, the County should not become involved in re-appraisals.

County Administrator Alam explained that he and Tony Park, Public Works Director, would look at Ms. Hussey's file again and the County Attorney would generate a report.

- Bob Hurst, 1502 Kessel Drive, appeared and circulated a proclamation. He asked that the Board declare April as Confederate History Month and April 26, 2004 as Confederate Memorial Day. Commissioner Proctor expressed strong opposition to the request and indicated that this would cause divisiveness in the community.

### **County Administrator**

Circulated a memorandum providing an update on the Landfill issue. County Administrator Alam explained that he contacted Tony Park, Public Works Director, and it was determined that there were two instances where asbestos was not covered when it should have been. He noted that he asked for resignations of the Solid Waste Director and the superintendent, which were received yesterday. Edgar Grant will be responsible for Solid Waste Operations until a director is hired and Ms. Nancy Paul will be running the day to day operations. Mr. Alam also explained that soil tests were immediately ordered and it was determined that there was no soil contamination as it relates to asbestos contamination. He requested that the Board allow him to select an outside landfill operations expert to review the County's procedures and make recommendations for improvement.

Commissioner Grippa moved and was duly seconded by Commissioner Thael to give the County Administrator authority to engage an outside firm to conduct a comprehensive compliance (performance and functional) audit as requested and to include air testing as requested by Commissioner Thael. Mr. Alam would bring the issue back to the Board.

Commissioner Winchester remarked that there were off-site impacts from the transfer station such as odor and leachate. He suggested that the firm that conducts the audit for the landfill also conduct one for the transfer station. Commissioner Rackleff also mentioned his concern that the trucks should be washed off as they leave the site and that the facility should be connected to sewer. He pointed out that he has heard that this would be corrected.

Commissioner Rackleff moved a friendly amendment, which was accepted by Commissioner Grippa, to have staff come back with information on establishing two citizens group to be a liaison between landfill operations and the County and a liaison between the transfer station and the County. Commissioner Proctor stated that he would like more information regarding the pros and cons of building a park at the landfill, since he had about health issues.

Commissioner Grippa stated that there is a sign on Gum Road where the transfer station is located that says "Stink Road" and he suggested that it be removed. Staff advised that the sign is on private property. Commissioner Winchester stated that hopefully when the smells are eliminated, the sign would be removed.

The motion carried unanimously, 6/0 (Commissioner Maloy was absent).

### **Discussion Items By Commissioners**

#### **Commissioner Grippa:**

- a. Requested resolutions for Celtic Festival, Motorcycle Safety Week, Keep Tallahassee Leon County Beautiful, and Buckle Up for Dale. The Board concurred
- b. Requested information on whether SHIP funds could be used for the Boys and Girls Club.
- c. Commissioner Grippa moved, duly seconded by Commissioner Thaell and carried unanimously, 6/0 (Commissioner Maloy was absent), to agenda the idea of the County using zero percent financing for the voluntary 2/3 Sewer Programs. This could be an incentive for neighborhoods that pay for their own infrastructure and design to hook up to sewer.
- d. Noted that Bradley's County Store is attempting to sell a 10-acre parcel (of a 24-acre) parcel and he would have to go through an expensive subdivision zoning process. County Attorney Thiele would provide a memo on the issue.
- e. Circulated a copy of the Lake Caroline Homeowners' Association conceptual agreement. Commissioner Grippa moved, duly seconded by Commissioner Thaell and carried unanimously, 6/0 (Commissioner Maloy was not present), to waive the Rule of Procedure and consider the conceptual agreement.

Commissioner Grippa advised that this is the last lawsuit in Bradfordville and Lake Caroline Homeowner's Association essentially will settle if the County agrees to do the following:

- Repair damage that has been done the lakes including improving capacity in the lakes to aide downstream flooding (Lake Anna, Lake Caroline, and Lake Jeff)
- Meet the 4-inch standard or its equivalent
- Monitor the actual functions
- Implement Phase 2 of the Stormwater Management Study (CDM Study)



(To restore the lake and put the controls in place would cost \$550,000 and would be spread over a three-year period.)

In return the County will receive the following:

- The County will get an agreement from the lawyer, hopefully, that there will be no Bradfordville litigation (Pat Rose and Larry Brock are working on that)
- In return, the Association will dismiss all of the lawsuits,
- There will be no future challenge of the Bradfordville/Phipps deviations
- Dismissal of the Bradfordville Zoning case

Commissioner Grippa explained that the County would be agreeing, in concept, to the four paragraphs which is basically that the County would fund the restoration and meet 4-inch standards and the Association would agree to not pursue the lawsuit (which will run out on the deviation and would cancel it once the County Attorney and staff work out the agreement). (It was noted that the issue is that the Association has 14 days to file on the deviation that was approved.)

Commissioner Thael moved and was duly seconded by Commissioner Winchester to accept the conceptual settlement agreement.

Chairman Sauls inquired about where the funds would come from. Commissioner Grippa responded that it would be paid for over a three-year period and it would come out of the existing growth budget or other projects in District 4 that could be pushed back.

The motion carried unanimously, 6/0 (Commissioner Maloy was absent).

- f. Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Maloy was absent), to conduct a workshop on April 13, 2003 (1:30 p.m. or 2:00 p.m.) on the Civic Center Authority. Commissioner Thael explained that FSU wants to take over operation and ownership of the Civic Center. Commissioner Proctor pointed out that the bill has already been filed by FSU and there was no notice to the County up front. He voiced concern regarding the standard operating practices and protocol of the local delegation in light of recent issues such as the NWFWM, CRA and the CCA. If FSU takes over the Civic Center, Commissioner Rackleff pointed out that there would be no performing arts center and property would be used for parking for the law school and the CC would become an FSU facility.

The motion carried unanimously, 6/0 (Commissioner Maloy was absent).

Staff was directed to invite Civic Center Authority members, T. K. Wetherell, FSU President, and Fred Gainous, FAMU President to the workshop and ask them the amount of time they would need to speak. Commissioner Thael suggested that the Chairman send a letter tomorrow to the delegation alerting them to the fact that the Board has concerns about this proposal and perhaps they would hold off on passing the bill until the workshop is conducted. Commissioner Proctor requested that the workshop include information about the original legislative intent of the Civic Center Authority and its purpose for the community.

*The Board agreed to reschedule the April 13<sup>th</sup> Jail Population Workshop to another date.*

- a. Requested a resolution honoring FAMU Women's Basketball Team.
- b. Requested that staff review the situation at Southwood Apartments. Commissioner Proctor explained that his Aide, Delane Adams, advised him of a lady who was evicted for being outspoken about health and safety issues. He requested that Mr. Adams meet with legal staff to determine if there is legal recourse for the County to take action against HUD for evicting residents who are outspoken on such issues.
- c. Requested legal assistance for a woman in his district who was paying for sewer services and sewage has been backing up in her home for a long time. Apparently the lady recently discovered that she was not hooked up to City utilities/sewer.

#### Commissioner Rackleff

- a. Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Maloy was absent), to request a resolution for Habitat for Humanity.
- b. Commissioner Rackleff moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Maloy was absent) to request that staff bring back an agenda item regarding consideration of designating Highland Drive a Canopy Road.

#### Commissioner Winchester

- a. Advised that he received a letter inviting him to a public information meeting on the widening of I-10 and was disappointed with FDOT since they could not meet Lake Jackson stormwater standards. Commissioner Winchester requested that the County Attorney's Office, County Administrator and staff hold a meeting to gather facts regarding this project and bring the issue back to the Board.

Commissioner Thael reminded the Board that a bill was passed last year in the legislature exempting FDOT from having to meet permitting requirements. The Board directed staff to hold a meeting to gather facts regarding FDOT's I-10 widening project.

- b. Commissioner Winchester moved and was duly seconded by Commissioner Grippa to agenda for discussion, the St. Francis Wildlife Festival sponsorship. Commissioner Grippa withdrew his second, therefore the motion was declared dead for lack of a second. It was noted that there would be Board discussion regarding requests for funds by organizations at budget workshops.
- c. Requested that the Board issue a stay of execution for a dog. County Attorney Thiele suggested that the Board direct Richard Ziegler, Animal Control Director, review the issue.

#### Commissioner Thael

- a. Provided an update on his progress in negotiations with the City on the TMDL matters and distributed the attached memorandum to Board members:
- b. Reminded the Board about the Florida Association of Counties events tomorrow at the Civic Center and the FAC (Florida Association of Counties) reception at the Courthouse at 4:30 p.m. He also noted the \$90 million cost shift from the State to the County on Department of Juvenile Justice.

- c. Requested Board authority to work with the County Attorney on Civic Center issues.

*Commissioner Grippa announced that the recent Alzheimer's Project Gala honored Lee Vause.*

Chairman Sauls

Announced that she still has Pioneer Breakfast tickets available for the Tallahassee Museum of Natural History for Saturday, March 27, 2004.

There being no further business to come to the Board, the meeting was adjourned at 11:15 p.m.

APPROVED: \_\_\_\_\_

Jane Sauls  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court